

UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

SANDRA GIBSON,)	
)	
Plaintiff,)	
)	No. 3:10-CV-253
V.)	(VARLAN/GUYTON)
)	
AMERICAN APARTMENT)	
MANAGEMENT COMPANY, INC.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and the order of the District Judge [Doc. 35] referring Plaintiff's Motion to Deem Requests for Admission Admitted [Doc. 34] to the undersigned for disposition. In her motion, the Plaintiff moves the Court to compel the Defendant to answer the Requests for Admission served upon them or, in the alternative, to deem the Requests for Admission admitted. The Defendant has responded in opposition to the motion. [Doc. 36].

The parties appeared before the Court on May 24, 2011, for a hearing to address the Plaintiff's motion. The Plaintiff proposed and the Defendant agreed that the Court hold the motion in abeyance for sixty (60) days, to allow the parties to take the deposition of Patty Ownby and possibly resolve the issues presented in the motion. The Court held the motion in abeyance, and on August 1, 2011, the Court informed the parties that it would allow them up to and including August 10, 2011, in which to supplement the record. The parties have not made additional filings.

The Court has considered the parties' previous filings and has reviewed each of the requests to admit that are at issue, [Doc. 34-2]. The Court finds that the Motion to Deem Requests for Admission Admitted is well-taken, in part, and it is **GRANTED IN PART** and **DENIED IN PART**. The Requests for Admission will not be deemed admitted, but the Defendant's objections to the Requests for Admission will be overruled or sustained as follows.

The objections to Requests for Admission Nos. 8, 9, 12, 22, 23, 25, 27, 32, 34, 36, 37, 39, 43, 49, 50, 56, 63, 66, 70, 71, 72, 74, 76, 78, 79, 82, 84, 85, 86, 87, 91, 92, 95, 96, 97, 104, 105, 112, 121, 125, 126, 127, 128, 131, 132, 133, 134, 137, 141, 145, 146, and 147 are **OVERRULED**. The responses to these Requests for Admission that were made notwithstanding the objection shall be treated as the Defendant's response.

The objections to Requests for Admission Nos. 18, 19, 24, 26, 28, 29, 33, 45, 46, 47, 51, 52, 53, 54, 57, 58, 59, 68, 75, 90, 98, 99, 100, 101, 102, 103, 107, 108, 113, 114, 115, 116, 117, 119, 120, 122, 135, 136, 138, 139, 144, 148, 149, 150, 151, 152, 153, 154, 155, and 156 are **SUSTAINED**. These Requests for Admission do not comply with Rule 36 of the Federal Rules of Civil Procedure, and the Defendant is not required to respond to these Requests for Admission.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge